

July 18, 2014

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Notice of Ex Parte: ET Docket No. 13-115; RM-11341  
Space Exploration Technologies Corp.**

Dear Ms. Dortch:

On July 16, 2014, Mat Dunn, Director of Government Affairs for Space Exploration Technologies Corp. (“SpaceX”), David Den Herder, Senior Counsel to SpaceX, Steve Pollmann, Director of Communications Systems for SpaceX, and Monica Desai, outside counsel to SpaceX, met with Ronald Repasi, Mark Settle, Nicholas Oros, Geraldine Matisse, Walter Johnston, Jamison Prime, Michael Ha, Bahman Badipour, and Allison Bazinet of the FCC Office of Engineering and Technology, and Jose Albuquerque and Sankar Persaud of the FCC International Bureau. The discussion focused on the following points related to the Commission’s Notice of Proposed Rulemaking (“NPRM”).<sup>1</sup>

SpaceX services are critical for ensuring the long-term growth and sustainability of a domestic commercial launch industry, and its operations are an important part of achieving the National Space Policy objective of promoting a robust and competitive commercial space sector in the U.S.<sup>2</sup> The company strongly supports the Commission’s goal in this proceeding of “advanc[ing] the commercial space industry and the important role it will play in our nation’s economy and technological innovation now and in the future.”<sup>3</sup> The Commission recognized the need for a more predictable, efficient spectrum authorization

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<sup>1</sup> See Letter from Timothy R. Hughes, Senior Vice President and General Counsel, SpaceX, to Nicholas Oros, Office of Engineering and Technology, FCC, ET Docket No. 13-115 (filed Aug. 30, 2013); see also *Amendment of Part 2 of the Commission’s Rules for Federal Earth Stations Communicating with Non-Federal Fixed Satellite Service Space Stations, et al.*, ET, Docket No. 13-115, Notice of Proposed Rulemaking and Notice of Inquiry, 28 FCC Rcd 6698 (2013). See also Notice of Ex Parte from SpaceX, ET Docket 13-115, at 2–3 (filed Nov. 14, 2013).

<sup>2</sup> See NPRM, ¶ 1.

<sup>3</sup> NPRM, ¶ 1.

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process that will provide commercial launch service companies with greater certainty for long-term planning<sup>4</sup>—and the need for this is becoming increasingly more urgent.

SpaceX continued to emphasize that the current Special Temporary Authority (“STA”) process is a suboptimal approach as commercial space launches and other commercial operations grow in volume and frequency. SpaceX provided updated launch statistics, noting the increasing number of launches planned for 2015.

As stated previously, the increasing volume of launches and the technical similarity of these launches make it irrational and inefficient to evaluate each spectrum request on a case-by-case STA basis. SpaceX makes a substantial financial and technical investment in each commercial space launch campaign. The current STA process creates significant business uncertainty, both in obtaining approval prior to scheduled launches and by the inherent uncertainty of the STA status.<sup>5</sup> Indeed, each STA contains a specific condition that “SpaceX shall be aware that future non-federal launches will be considered on a case-by-case basis, especially for requests in the bands 2200-2290 MHz, and SpaceX shall have no expectations that future launches will be approved.” This is untenable for long-term planning and investment. While SpaceX appreciates that Special Temporary Authority would continue to be a useful and appropriate supplemental tool in certain circumstances (in support of special mission-unique requirements, for instance), the case-by-case STA process should not be the baseline approach for authorizing core launch vehicle frequencies that generally do not change from mission to mission.

SpaceX, in agreement with Orbital Sciences,<sup>6</sup> strongly supports the Commission’s proposal to establish co-primary, interference-protected allocation status in the 2200-2290 MHz band for commercial space launch companies. This proposal will streamline the authorization process through standard, clearly-defined application and coordination processes.<sup>7</sup> Furthermore, SpaceX again encourages the Commission to consider granting authorizations for multiple planned launches at a time—within the identified bands and frequencies proposed in the NPRM—rather than continuing with temporary authorizations on a case-by-case basis. While SpaceX continues to urge the Commission to adopt these proposals to provide a more predictable and efficient spectrum authorization process, SpaceX also appreciates Boeing’s proposal for the Commission to issue authorizations valid for longer five-year terms.<sup>8</sup>

Additionally, SpaceX continues to emphasize support for the Commission’s proposal to add a footnote to the Allocation Table rather than amend the Allocation Table to add a

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<sup>4</sup> See NPRM, ¶ 71.

<sup>5</sup> See NPRM, ¶ 71.

<sup>6</sup> See Comment of Orbital Sciences, ET Docket No. 13-115, at 2 (filed Aug. 29, 2013).

<sup>7</sup> See Comment of Space Exploration Technologies, ET Docket No. 13-115, at 2 (filed Aug. 30, 2013).

<sup>8</sup> See Reply Comments of the Boeing Company, ET Docket No. 13-115, at 7 (filed Sept. 30, 2013).

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non-Federal Space Operations allocation to the 2200-2290 MHz band. As discussed in its comments and related filings, SpaceX provides recommendations to enhance the Commission's proposal and achieve the stated intent of promoting robust growth of the commercial space launch industry, including allowing licensees to request spectrum for multiple planned launches simultaneously, not limiting non-federal use to launches from federal ranges, and moving forward with approving the portions of the band identified by the proposal for developmental testing on a co-primary, interference-protected basis from FAA-licensed launch sites in addition to Federal ranges.<sup>9</sup>

SpaceX generally supports the Commission's proposal to limit the non-Federal use of these portions of the band for space launches and pre-launch testing, but SpaceX again strongly recommends that the Commission add a provision enabling developmental testing on these bands to support next-generation U.S. launch vehicles.

The Commission should proceed with these proposals to implement a more predictable, efficient spectrum authorization process for commercial space launch. By providing the industry with improved certainty and stability, the Commission's proposals will significantly advance the National Space policy objective of fostering a robust and competitive domestic commercial space industry.

Respectfully submitted,



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Monica S. Desai  
Squire Patton Boggs, LLP  
2550 M Street, NW  
Washington, DC 20037  
202-457-7535  
*Counsel to Space Exploration Technologies Corp.*

cc:

Jose Albuquerque  
Bahman Badipour  
Allison Bazinet  
Mathew Dunn  
Michael Ha  
Walter Johnston  
Geraldine Matise  
Nicholas Oros

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<sup>9</sup> See Comment of Space Exploration Technologies, ET Docket No. 13-115, at 9 (filed Aug. 30, 2013); Notice of Ex Parte from SpaceX, ET Docket 13-115, at 2-3 (filed Nov. 14, 2013).

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Sankar Persaud  
Jamison Prime  
Ron Repasi  
Mark Settle